

REMARKS

Claims 1-36 are pending in this application. Claims 14-18 and 32 are allowed.

I. Allowable Subject Matter

Applicant appreciates the Office Action's allowance of claims 14-18 and 32.

Applicant also appreciates the Office Action's indication that claims 19-28, 33 and 34 recite allowable subject matter and would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

II. 35 U.S.C. §103(a) Rejection

The Office Action rejects claims 1-13, 29-31, 35 and 36 under 35 U.S.C. §103(a) over Tetsuo, JP-A-10-268442, in view of Sugiyama et al. (Sugiyama), U.S. Patent Application Publication No. 2002/0030321 A1. The rejection is respectfully traversed.

The combination of Tetsuo and Sugiyama fails to disclose or render obvious a pair of rollers disposed at a transport direction changing position, and a controlling unit which controls the pair of rollers to rotate in a first rotating direction and reverse the first rotating direction to a second direction to transport the document, which has been transported through the first route, to the second route when the detected length of the document is longer than the predetermined length on the basis of a comparing result of the first comparing unit, and to rotate in the first rotating direction to discharge the document transported through the second route, as recited in independent claim 1 and similarly recited in independent claim 29.

The Office Action acknowledges that Tetsuo fails to disclose these features, but asserts that these features are disclosed by Sugiyama. Sugiyama discloses a document feed device 10 that includes a pair of discharge rollers 24a, 24b that discharge a document to a discharge tray 16 or transmit the document to a feed unit 11 by a reverse rotation (see Figs. 1 and 2 and paragraph [0053]). The Office Action asserts that the discharge rollers 24a, 24b correspond to the claimed pair of rollers, and that it would have been obvious to one skilled in

the art to have modified the image reader disclosed by Tetsuo to include the discharge rollers 24a, 24b of Sugiyama to result in Applicant's independent claims 1 and 29.

However, contrary to the Office Action's assertion, it would not have been obvious to one skilled in the art to have modified the image reader disclosed by Tetsuo in view of Sugiyama to result in the combinations of features recited in claims 1 and 29 for at least the following three reasons.

First, there would have been no reason or motivation to have modified the image reader disclosed by Tetsuo to include the discharge rollers 24a, 24b of Sugiyama because the alleged benefit that would be obtained doing so is already present in Tetsuo. The Office Action asserts that a reason for modifying Tetsuo's image reader to include the discharge rollers 24a, 24b of Sugiyama would have been "for the purpose of shortening and simplifying the sheet path to enable efficient conveyance" (see page 3 of the Office Action). However, Tetsuo's image reader already has a "shortened sheet path" as shown, for example, in Fig. 2. That is, Tetsuo discloses a "shortened sheet path" defined by switchback rollers 51, 52 that rotate in forward and reverse directions that are located downstream from a switching member 50 (see Fig. 2) and by switchback table 109. The switching member 50 operates as a lever that pivots about an axis to reverse a travel path of the document (see Fig. 2, paragraph [0030]). This configuration is similar to Sugiyama's "shortened sheet path", which is defined by discharge rollers 24a, 24b that rotate in forward and reverse directions that are located downstream from a flapper 29 (see Fig. 2). That is, Tetsuo and Sugiyama both disclose the "shortened sheet path" with rollers downstream of a switching mechanism that rotate in forward and reverse directions. Thus, Sugiyama's configuration does not add any benefit to the configuration of Tetsuo. Moreover, Tetsuo's "shortened sheet path" is shorter than Sugiyama "shortened sheet path" because Tetsuo discloses a return way 54 ("second conveyance way") (see Fig. 2 and paragraph [0032]) that provides a more direct path to the

exposure lamp 4a under the slit glass 2 (see Fig. 2 and paragraph [0015]) than is provided by Sugiyama. In Sugiyama, the document D1 must travel around the entire "shortened sheet path" (see Figs. 24a-f). Thus, because Tetsuo already teaches the benefit of a "shortened and simplified sheet path" with rollers that rotate in forward and reverse directions, there would have been no reason to have modified the image reader disclosed by Tetsuo to include the discharge rollers 24 of Sugiyama.

Second, Sugiyama's discharge rollers 24a, 24b are not located at a transport direction changing position, as recited in independent claims 1 and 29. Therefore, modifying Tetsuo's image reader with Sugiyama's discharge rollers 24a, 24b would not result in Applicant's independent claims 1 and 29. Specifically, the Office Action asserts that a transport direction changing position is located at the switching member 50 in Tetsuo (see arrow B in the figure reproduced in the Office Action on page 4). Based on the Office Action's interpretation of transport direction changing position, the transport direction changing position in Sugiyama is located at the flapper 29 (see Fig. 2). As shown in Fig. 2, the discharge rollers 24a, 24b are located downstream of the flapper 29, not at the transport direction changing position. At best, modifying Tetsuo to include Sugiyama's discharge rollers 24a, 24b would result merely in replacing Tetsuo's switchback rollers 51, 52, which also are not located at the transport direction changing position ("B" in the figure reproduced in the Office Action on page 4), with Sugiyama's rollers 24a, 24b. Therefore, the combination of Tetsuo and Sugiyama fails to disclose or render obvious the claimed pair of rollers disposed at a transport direction changing position, as recited in independent claims 1 and 29.

Third, modifying the image reader of Tetsuo to incorporate the configuration of Sugiyama would have rendered Tetsuo unsuitable for its intended purpose (see MPEP §2143.01(V) and §2145(X)(D)). Specifically, Tetsuo's image reader is configured to direct a document to either a reversal tray 49 or an output tray 48 via the switching member 50

located downstream of the discharge rollers 43, 44 (see Fig. 2, paragraphs [0027] and [0030]). Tetsuo teaches that during a normal operation, the document is output to the output tray 48 (see paragraphs [0006] and [0051]). Tetsuo further teaches that during an abnormal operation, such as a jam, the document is output to the reversal tray 49 downstream of "switchback rollers" 51, 52, instead of the output tray 48 (see Abstract and paragraphs [0006] and [0051]). When the document is output to the reversal tray 49 instead of the output tray 48, a user immediately recognizes that an abnormal operation (such as a jam) has occurred (see Abstract, paragraph [0006]). Accordingly, the two discharge outlets (the reversal tray 49 and the output tray 48) are essential to the design and purpose of Tetsuo's image reader. On the other hand, the configuration of Sugiyama's document feed device feeds a document D1 to only a single discharge outlet, discharge tray 16 (see Figs. 2 and 24a-f). Therefore, if the Tetsuo apparatus were modified to incorporate the configuration taught by Sugiyama, a user would be unable to determine whether the output document was transported normally or abnormally because all documents are output to the single discharge tray. Thus, modifying the image reader of Tetsuo to incorporate the configuration of Sugiyama would have rendered Tetsuo unsuitable for its intended purpose (see MPEP §2143.01(V) and §2145(X)(D)).

Therefore, the combination of Tetsuo and Sugiyama fails to disclose or render obvious a pair of rollers disposed at a transport direction changing position, and a controlling unit which controls the pair of rollers to rotate in a first rotating direction and reverse the first rotating direction to a second direction to transport the document, which has been transported through the first route, to the second route when the detected length of the document is longer than the predetermined length on the basis of a comparing result of the first comparing unit, and to rotate in the first rotating direction to discharge the document transported through the second route, as recited in independent claim 1 and similarly recited in independent claim 29.

Thus, independent claims 1 and 29 are patentable over the combination of Tetsuo and Sugiyama.

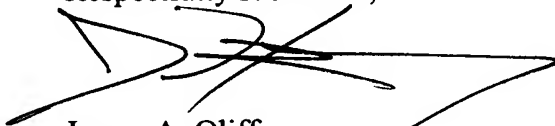
Because claims 2-13, 30, 31, 35 and 36 incorporate the features of claims 1 and 29, respectively, these claims also are patentable over the combination of Tetsuo and Sugiyama for this reason, as well as for the additional features these claims recite. Therefore, it is respectfully requested that the rejection be withdrawn.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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